

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN DEL TORO,

Plaintiff,

v.

VASUKI DARAM, et al.,

Defendants.

No. 2:22-cv-0725-DJC-AC-P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 13, 2023, the magistrate judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within twenty-one days. (ECF No. 9.) Plaintiff has not filed objections to the findings and recommendations.

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and by the Magistrate Judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

- 1 1. The findings and recommendations filed March 13, 2023 (ECF No. 9), are
- 2 adopted in full;
- 3 2. The Eighth Amendment claim against defendant Antwong is dismissed
- 4 without leave to amend; and
- 5 3. This case is referred back to the assigned magistrate judge for all further
- 6 pretrial proceedings.

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9 IT IS SO ORDERED.

10 Dated: May 2, 2023


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE

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